

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chair Ken Peterson, on April 12, 2011 at 9:00 A.M., in Room 137 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Ken Peterson, Chairman (R)  
Rep. Krayton Kerns, Vice Chairman (R)  
Rep. Diane Sands, Vice Chairman (D)  
Rep. Robyn Driscoll (D)  
Rep. Kris Hansen (R)  
Rep. Bill Harris (R)  
Rep. Ellie Boldman Hill (D)  
Rep. David Howard (R)  
Rep. Cleve J. Loney (R)  
Rep. Margaret (Margie) MacDonald (D)  
Rep. Jesse O'Hara (R)  
Rep. Carolyn Pease-Lopez (D)  
Rep. Joe Read (R)  
Rep. Keith Regier (R)  
Rep. Dan Skattum (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Mike Menahan (D)

**Members Absent:** Rep. Liz Bangerter (R)  
Rep. Michael (Mike) More (R)

**Staff Present:** Karen Armstrong, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HJ 36, 4/8/2011

Executive Action: HJ 36; SB 322; SB 354

00:00:19 Chairman Peterson

**HEARING ON HJ 36**

**Opening Statement by Sponsor:**

00:01:20 Rep. Wendy Warburton (R), HD 34, opened the hearing on HJ 36, Interim study on appropriate compensation for wrongfully convicted.

**EXHIBIT(juh81a01)**

00:04:05 Rep. More arrived.

00:05:19 Rep. Bangerter arrived.

**Proponents' Testimony:**

00:06:27 Ruben McKinney

**EXHIBIT(juh81a02)**

00:06:38 Rep. MacDonald exited.

**Opponents' Testimony:** None

**Informational Testimony:**

00:17:09 Mark Murphy, Montana County Attorneys Association (MCAA)

00:21:31 Mike Mahoney, Warden, Montana State Prison

**Questions from Committee Members and Responses:**

00:22:42 Rep. Wagner

00:23:58 Mr. Murphy, MCAA

00:24:31 Chairman Peterson

00:24:50 Mr. Murphy

00:25:14 Chairman Peterson

00:25:59 Mr. Murphy

**Closing by Sponsor:**

00:26:17 Rep. Warburton

**EXECUTIVE ACTION ON HJ 36**

00:27:08 **Motion:** Rep. Warburton moved that **HJ 36 DO PASS.**

**Discussion:**

00:27:24 Rep. Harris

00:27:56 Rep. Warburton

00:28:10 Rep. Harris

00:28:57 Rep. Read exited.

00:29:28 Rep. Driscoll

00:29:55 Rep. More

00:31:00 Chairman Peterson

00:31:43 Rep. Read returned.

00:32:04 Rep. Sands

00:32:42 **Vote:** Motion carried 18-2 by voice vote with Rep. Kerns and Rep. Regier voting no. Rep. MacDonald and Rep. Menahan voted by proxy. Rep. Warburton will carry the bill.

**EXECUTIVE ACTION ON SB 322**

00:33:39 **Motion:** Rep. Kerns moved that **SB 322 BE CONCURRED IN.**

00:33:48 **Substitute Motion/Vote:** Rep. Kerns made a substitute motion that **SB 322 BE TABLED.** Substitute Motion carried 18-0 by voice vote. Rep. MacDonald and Rep. Menahan were absent and did not vote.

**EXECUTIVE ACTION ON SB 354**

00:34:08 **Motion:** Rep. O'Hara moved that **SB 354 BE RECONSIDERED.**

00:35:26 Chairman Peterson

00:35:32 Rep. O'Hara

00:35:48 Chairman Peterson

[EXHIBIT\(juh81a03\)](#)

[EXHIBIT\(juh81a04\)](#)

00:36:46 **Vote:** Motion carried 13-5 by roll call vote with Rep. Harris, Rep. Loney, Rep. More, Rep. Skattum and Rep. Wagner voting no. Rep. MacDonald and Rep. Menahan were absent and did not vote.

00:38:37 **Motion:** Rep. Kerns moved that **SB 354 BE CONCURRED IN.**

**Discussion:**

00:40:10 Rep. Harris

00:40:14 Chairman Peterson

00:41:14 Rep. Harris

00:41:53 Rep. Wagner

00:42:25 Chairman Peterson

00:43:14 Rep. Wagner

00:43:58 Chairman Peterson

00:44:02 Rep. Howard

00:45:35 Chairman Peterson

00:46:44 Rep. Loney

00:46:57 **Vote:** Motion carried 13-7 by roll call vote with Rep. Hansen, Rep. Harris, Rep. Loney, Rep. More, Rep. Skattum, Rep. Wagner and Rep. Warburton voting no. Rep. MacDonald and Rep. Menahan voted by proxy. Rep. Menahan will carry the bill.

00:48:33 Chairman Peterson

00:50:13 Rep. Sands

00:50:40 Chairman Peterson

**ADJOURNMENT**

00:50:58      Adjournment

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT**([juh81aad.pdf](#))